

AFFIDAVIT OF WILLIAM H. DURHAM, M.D.

Comes now the Affiant after having been duly sworn swears and affirms:

My name is William H. Durham, M.D. I am Board Certified in Internal Medicine and licensed to practice in the state of Mississippi.

I am familiar with Fort Smith, Arkansas and the standards of care applicable to the issues presented herein. I am familiar with the types of medical community and the types of services and procedures available within the community and specifically by St. Edward Mercy Medical Center and Cooper Clinic.

I have practiced in similar communities with similar standards of medical practice and comparable facilities.

I have reviewed the following medical records on Mrs. Juanita Lee:

1. St. Edward Mercy Medical Center records from admission on October 10, 2003 through her death on October 16, 2003.
2. Medical Records of Cooper Clinic for Drs. Mohsen Keyashian, Robert G. Bebout, R.D. Foreman, and John Kurt Mehl.

After a thorough review of the records I have formulated the following opinions within a reasonable degree of medical certainty.

A. The standard of care was violated in the following manner:

1. The results of the EKG ordered by Dr. Keyashian at 0945 on October 14, 2003 should have been communicated to Dr. Keyashian STAT. This was the joint duty of St. Edward hospital employees and the hospital employed cardiology staff (John Doe) responsible for EKG interpretation and Dr. Keyashian to assure timely communication of this critical information.
2. Upon receiving the results of the EKG and within 15 minutes of completion, Mrs. Lee should have been (a) started on IV nitroglycerin, (b) given aspirin by mouth, (c) given supplemental oxygen, (d) started on thrombolytics, (e) transferred to the cardiac care unit, and (f) repeat EKG should have been done every 15 to 20 minutes. Dr. Keyashian's failure to initiate the above was a violation of the minimum acceptable standard of care in Fort Smith, Arkansas.
3. Dr. Keyashian failed to initiate the proper treatments within an acceptable time period for this clinical setting and his action/inaction was a violation of the minimum acceptable standard of care in Fort Smith, Arkansas.

B. The breach of the standard of care caused Mrs. Lees death:



1. Had Dr. Keyashian followed up appropriately regarding the EKG that was performed at 1019 on October 14, 2003 and/or St. Edward's staff, agents (John Doe) communicated the EKG results then the ischemic event, which ultimately led to her death, would have been minimized and survivable. If therapeutics had been initiated then Mrs. Lec would have survived to have a cardiac catheterization to visualize the blockage and take appropriate medical action which would have more likely than not prevented her death..

Further the Affiant Sayeth Not

William H. Durham
William H. Durham, M.D.

Date: 9-26-05

STATE OF Mississippi)
COUNTY OF Forrest)

Subscribed and sworn to before me, a notary public, on this 26th day of September
2005.

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 5, 2008
BONDED THRU STEGALL NOTARY SERVICE

Wanda J. Stegall
Notary Public

My Commission Expires